

REMARKS

I. Status of the Application.

Claims 2-18, 20, and 24 are pending in the application.

In the Office Action, the Examiner:

(a) Rejected Claims 6-10, 13, 15, 17, 18, 20, and 24 under U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,896,004 to Feldman et al. ("Feldman") in view of U.S. Patent No. 4,337,414 to Young;

(b) Rejected Claims 2, 4, and 5 under 35 U.S.C. § 103(a) as being unpatentable over Feldman, in view of Young as applied to Claim 20, and further in view of U.S. Patent No. 5,824,130 to Oga et al. ("Oga");

(c) Rejected Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Feldman, in view of Young in further view of Oga as applied to Claim 2, and still further in view of U.S. Patent No. 5,680,005 to Soules et al. ("Soules");

(d) Rejected Claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Feldman, in view of Young as applied to Claim 7, and further in view of U.S. Patent No. 5,617,659 to Okubo;

(e) Rejected Claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Feldman, in view of Young as applied to Claim 13, and further in view of U.S. Patent No. 6,696,788 to Lapatovich et al. ("Lapatovich"); and

(f) Rejected Claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Feldman in view of Young as applied to Claim 15.

II. Response.

In this response, Applicants respectfully (1) amend Claims 2, 13, 14, 20, and 24; and (2) traverse the Examiner's rejections of Claims 2-18, 20, and 24. The amendments to Claims 2, 13, 14, 20, and 24 are fully supported in the specification.

III. The Rejection of Claims 2-18, 20, and 24 Under 35 U.S.C. §103(a) Should Be Withdrawn.

To establish a *prima facie* case of obviousness it must be shown, *inter alia*, that "all of the claim limitations must be taught or suggested by the prior art." MPEP §§ 2143 and 2143.03 (citing *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974)). Applicants respectfully submit that the rejection of Claims 2-18, 20, and 24 under 35 U.S.C. § 103(a) should be withdrawn because the references cited fail to establish a *prima facie* case of obviousness with respect to any of these claims.

A. The Rejection of Claims 6-10, 13, 15, 17, 18, 20, and 24 Under 35 U.S.C. § 103(a) As Being Unpatentable Over Feldman in View of Young Should Be Withdrawn.

Applicants respectfully submit that the rejection of Claims 6-10, 13, 15, 17, 18, 20, and 24 under 35 U.S.C. §103(a) should be withdrawn because the combination of Feldman and Young does not disclose, teach or suggest all of the limitations of any of these claims.

Claims 6-10, 13, 15, 17, and 18 depend from independent Claim 20. Amended Claim 20 requires "an electrode-less tube having a first open end and a second open end and a continuous pathway communicating between said first open end and said second open end, said electrode-less tube intersecting with said shell such that said first open end and said second open end reside outside said shell and a portion of said electrode-less tube between said first open end and said second open end resides within said shell, each said intersection of said electrode-less tube and

said shell being accomplished such that any contents of said hollow interior of said shell are sealed within said shell and any contents of said hollow interior of said shell are segregated from any contents of said portion of said electrode-less tube residing within said shell." Amended Claim 20 further requires "at least one electrode, each said at least one electrode having first and second electrode ends, wherein said first electrode end of each said at least one electrode terminates within said shell and said second electrode end of each said at least one electrode terminates outside said shell, said shell forming a gas-impermeable seal around said at least one electrode, wherein said at least one electrode is not in contact with any contents of said electrode-less tube." The other independent claim, Claim 24, which has also been amended, requires substantially these same limitations.

Applicants respectfully submit that the rejections of Claims 6-10, 13, 15, 17, 18, 20, and 24 under 35 U.S.C. § 103(a) should be withdrawn because the combination of Feldman and Young fail to disclose all of the limitations of the claims against which they are asserted. Neither Feldman nor Young disclose, teach, or suggest having an electrode-less tube and an electrode partially disposed within the shell as described in amended Claims 20 and 24. Therefore, the combination of Feldman and Young fails to disclose the limitations of amended Claim 20. In addition, the combination of Feldman and Young fails to disclose the limitations of amended Claim 24.

For the foregoing reasons, Applicants' respectfully submit that the rejection of Claims 20 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Feldman in view of Young should be withdrawn. Moreover, Applicants respectfully submit that the rejections of Claims 6-10, 13, 15, 17, and 18 under 35 U.S.C. § 103(a) should be withdrawn, because each of these claims

depends from and incorporates all limitations of Claim 20, which is not obvious in view of the combination of Feldman and Young. Accordingly, Applicants respectfully submit that Claims 6-10, 13, 15, 17, 18, 20, and 24 should proceed to allowance.

B. The Rejection of Claims 2, 4, and 5 Under 35 U.S.C. § 103(a) As Being Unpatentable Over Feldman in View of Young and Further in View of Oga Should Be Withdrawn.

Claims 2, 4, and 5 depend from independent Claim 20. The bulb claimed in Applicants' amended Claim 20 includes the limitations "an electrode-less tube having a first open end and a second open end and a continuous pathway communicating between said first open end and said second open end, said electrode-less tube intersecting with said shell such that said first open end and said second open end reside outside said shell and a portion of said electrode-less tube between said first open end and said second open end resides within said shell, each said intersection of said electrode-less tube and said shell being accomplished such that any contents of said hollow interior of said shell are sealed within said shell and any contents of said hollow interior of said shell are segregated from any contents of said portion of said electrode-less tube residing within said shell" and "at least one electrode, each said at least one electrode having first and second electrode ends, wherein said first electrode end of each said at least one electrode terminates within said shell and said second electrode end of each said at least one electrode terminates outside said shell, said shell forming a gas-impermeable seal around said at least one electrode, wherein said at least one electrode is not in contact with any contents of said electrode-less tube." For the reasons given in Section III.A. of these Remarks, the combination of Feldman and Young fail to disclose these limitations.

It is respectfully submitted that the combination of Feldman, Young, and Oga also fails to disclose these limitations. The combination of Feldman, Young, and Oga does not disclose, teach or suggest an electrode-less tube and an electrode partially disposed within the shell as described in amended Claim 20.

Consequently, Applicants respectfully submit that the combination of Feldman, Young, and Oga fails to teach, disclose or suggest all of the limitations of Applicants' amended Claim 20. Because Claims 2, 4, and 5 depend from Claim 20 and incorporate all of the limitations of Claim 20, it is respectfully requested that the combination of Feldman, Young, and Oga fail to teach, disclose or suggest all of the limitations of Claim 2, 4, and 5. "If an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is not obvious." MPEP § 2143.03 (citing *In re Fine*, 837 F.2d 1382, 1385 (C.C.P.A. 1970)).

Accordingly, it is respectfully requested that the rejection of Claims 2, 4, and 5 under 35 U.S.C. §103(a) be withdrawn, and Applicants respectfully submit that Claims 2, 4, and 5 should proceed to allowance.

C. The Rejection of Claim 3 Under 35 U.S.C. § 103(a) As Being Unpatentable Over Feldman in View of Young, Further in View of Oga, and Still Further in View of Soules Should Be Withdrawn.

Claim 3 depends from independent Claim 20. The bulb claimed in Applicants' amended Claim 20 includes the limitations "an electrode-less tube having a first open end and a second open end and a continuous pathway communicating between said first open end and said second open end, said electrode-less tube intersecting with said shell such that said first open end and said second open end reside outside said shell and a portion of said electrode-less tube between

said first open end and said second open end resides within said shell, each said intersection of said electrode-less tube and said shell being accomplished such that any contents of said hollow interior of said shell are sealed within said shell and any contents of said hollow interior of said shell are segregated from any contents of said portion of said electrode-less tube residing within said shell" and "at least one electrode, each said at least one electrode having first and second electrode ends, wherein said first electrode end of each said at least one electrode terminates within said shell and said second electrode end of each said at least one electrode terminates outside said shell, said shell forming a gas-impermeable seal around said at least one electrode, wherein said at least one electrode is not in contact with any contents of said electrode-less tube." For the reasons given in Sections III.A. and III.B. of these Remarks, the combination of Feldman, Young, and Oga fails to disclose these limitations.

It is respectfully submitted that the combination of Feldman, Young, Oga, and Soules also fail to disclose these limitations. The combination of Feldman, Young, Oga, and Soules does not teach, disclose, or suggest an electrode-less tube and an electrode partially disposed within the shell of Applicants' amended Claim 20.

Consequently, Applicants respectfully submit that the combination of Feldman, Young, Oga, and Soules fails to teach, disclose or suggest all of the limitations of Applicants' amended Claim 20. Because Claim 3 depends from Claim 20 and incorporates all of the limitations of Claim 20, it is respectfully requested that the combination of Feldman, Young, Oga, and Soules fails to teach, disclose or suggest all of the limitations of Claim 3. "If an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is not obvious." MPEP § 2143.03 (citing *In re Fine*, 837 F.2d 1382, 1385 (C.C.P.A. 1970)).

Accordingly, it is respectfully requested that the rejection of Claim 3 under 35 U.S.C. §103(a) be withdrawn, and Applicants respectfully submit that Claim 3 should proceed to allowance.

D. The Rejection of Claims 11 and 12 Under 35 U.S.C. § 103(a) As Being Unpatentable Over Feldman in View of Young, and Further in View of Okubo Should Be Withdrawn.

Claims 11 and 12 depend from independent Claim 20. The bulb claimed in Applicants' amended Claim 20 includes the limitations "an electrode-less tube having a first open end and a second open end and a continuous pathway communicating between said first open end and said second open end, said electrode-less tube intersecting with said shell such that said first open end and said second open end reside outside said shell and a portion of said electrode-less tube between said first open end and said second open end resides within said shell, each said intersection of said electrode-less tube and said shell being accomplished such that any contents of said hollow interior of said shell are sealed within said shell and any contents of said hollow interior of said shell are segregated from any contents of said portion of said electrode-less tube residing within said shell" and "at least one electrode, each said at least one electrode having first and second electrode ends, wherein said first electrode end of each said at least one electrode terminates within said shell and said second electrode end of each said at least one electrode terminates outside said shell, said shell forming a gas-impermeable seal around said at least one electrode, wherein said at least one electrode is not in contact with any contents of said electrode-less tube." For the reasons given in Section III.A. of these Remarks, the combination of Feldman and Young fails to disclose these limitations.

It is respectfully submitted that the combination of Feldman, Young, and Okubo also fails to disclose these limitations. The combination of Feldman, Young, and Okubo does not disclose, teach or suggest an electrode-less tube and an electrode partially disposed within the shell of Applicants' amended Claim 20.

Consequently, Applicants respectfully submit that the combination of Feldman, Young, and Okubo fails to teach, disclose or suggest all of the limitations of Applicants' amended Claim 20. Because Claims 11 and 12 depend from Claim 20 and incorporate all of the limitations of Claim 20, it is respectfully requested that the combination of Feldman, Young, and Okubo fails to teach, disclose or suggest all of the limitations of Claims 11 and 12. "If an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is not obvious." MPEP § 2143.03 (citing *In re Fine*, 837 F.2d 1382, 1385 (C.C.P.A. 1970)).

Accordingly, it is respectfully requested that the rejection of Claims 11 and 12 under 35 U.S.C. §103(a) be withdrawn, and Applicants respectfully submit that Claim 11 and 12 should proceed to allowance.

E. The Rejection of Claim 14 Under 35 U.S.C. § 103(a) As Being Unpatentable Over Feldman in View of Young, and Further in View of Lapatovich Should Be Withdrawn.

Claim 14 depends from independent Claim 20. The bulb claimed in Applicants' amended Claim 20 includes the limitations "an electrode-less tube having a first open end and a second open end and a continuous pathway communicating between said first open end and said second open end, said electrode-less tube intersecting with said shell such that said first open end and said second open end reside outside said shell and a portion of said electrode-less tube between

said first open end and said second open end resides within said shell, each said intersection of said electrode-less tube and said shell being accomplished such that any contents of said hollow interior of said shell are sealed within said shell and any contents of said hollow interior of said shell are segregated from any contents of said portion of said electrode-less tube residing within said shell" and "at least one electrode, each said at least one electrode having first and second electrode ends, wherein said first electrode end of each said at least one electrode terminates within said shell and said second electrode end of each said at least one electrode terminates outside said shell, said shell forming a gas-impermeable seal around said at least one electrode, wherein said at least one electrode is not in contact with any contents of said electrode-less tube." For the reasons given in Section III.A. of these Remarks, the combination of Feldman and Young fails to disclose these limitations.

It is respectfully submitted that the combination of Feldman, Young, and Lapatovich also fails to disclose these limitations. The combination of Feldman, Young, and Lapatovich does not disclose, teach or suggest an electrode-less tube and an electrode partially disposed within the shell of Applicants' amended Claim 20.

Consequently, Applicants respectfully submit that the combination of Feldman, Young, and Lapatovich fails to teach, disclose or suggest all of the limitations of Applicants' amended Claim 20. Because Claim 14 depends from Claim 20 and incorporates all of the limitations of Claim 20, it is respectfully requested that the combination of Feldman, Young, and Lapatovich fails to teach, disclose or suggest all of the limitations of Claim 14. "If an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is not obvious." MPEP § 2143.03 (citing *In re Fine*, 837 F.2d 1382, 1385 (C.C.P.A. 1970)).

Accordingly, it is respectfully requested that the rejection of Claim 14 under 35 U.S.C. §103(a) be withdrawn, and Applicants respectfully submit that Claim 14 should proceed to allowance.

F. The Rejection of Claim 16 Under 35 U.S.C. § 103(a) As Being Unpatentable Over Feldman in View of Young Should Be Withdrawn.

Claim 16 depends from independent Claim 20. The bulb claimed in Applicants' amended Claim 20 includes the limitation "an electrode-less tube having a first open end and a second open end and a continuous pathway communicating between said first open end and said second open end, said electrode-less tube intersecting with said shell such that said first open end and said second open end reside outside said shell and a portion of said electrode-less tube between said first open end and said second open end resides within said shell, each said intersection of said electrode-less tube and said shell being accomplished such that any contents of said hollow interior of said shell are sealed within said shell and any contents of said hollow interior of said shell are segregated from any contents of said portion of said electrode-less tube residing within said shell" and "at least one electrode, each said at least one electrode having first and second electrode ends, wherein said first electrode end of each said at least one electrode terminates within said shell and said second electrode end of each said at least one electrode terminates outside said shell, said shell forming a gas-impermeable seal around said at least one electrode, wherein said at least one electrode is not in contact with any contents of said electrode-less tube." For the reasons given in Section III.A. of these Remarks, the combination of Feldman and Young fails to disclose these limitations.

Because Claim 16 depends from independent Claim 20 and incorporates all of the limitations of Claim 20, it is respectfully requested that the combination of Feldman and Young fails to teach, disclose or suggest all of the limitations of Claim 16. "If an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is not obvious." MPEP § 2143.03 (citing *In re Fine*, 837 F.2d 1382, 1385 (C.C.P.A. 1970)).

Accordingly, it is respectfully requested that the rejection of Claim 16 under 35 U.S.C. §103(a) be withdrawn, and Applicants respectfully submit that Claim 16 should proceed to allowance.

CONCLUSION

It is respectfully submitted that Applicants have made a patentable contribution to the art, and that this response places Claims 2-18, 20, and 24 in condition for allowance or in the alternative that this response places the Application in a better form for appeal. Favorable reconsideration and allowance of this Application is respectfully requested.

In the event Applicants have inadvertently overlooked the need for payment of any fees, Applicants authorize any deficiency to be charged to deposit account 09-0007. When doing so, please reference the above-listed docket number. If there are any other objections or rejections, the Examiner is invited to contact the undersigned to discuss the Application.

Respectfully submitted,

ICE MILLER LLP



James T. Pinyerd,
Attorney No. 58,689
One American Square, Suite 2900
Indianapolis, IN 46282-0200
Telephone: (317) 236-2109
Facsimile: (317) 592-5453

Date: February 5, 2010

JTP/sr